



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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Order Instituting Rulemaking Regarding Policies,
Procedures and Rules for the California Solar
Initiative, the Self-Generation Incentive Program
and Other Distributed Generation Issues.

Rulemaking 08-03-008
(Filed March 13, 2008)

**REPLY OF GRID ALTERNATIVES TO THE RESPONSES TO PETITION FOR
MODIFICATION OF DECISION 07-11-045**

GRID Alternatives

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August 18, 2008

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I. INTRODUCTION AND SUMMARY

Pursuant to Rule 16.4(g) of the California Public Utilities Commission's ("Commission") Rules of Practice and Procedure, GRID Alternatives respectfully submits this Reply to the Responses of the Department of Community Services and Development ("CSD") and Southern California Edison Company ("SCE") to the July 8, 2008 Petition of GRID Alternatives for Modification of Decision 07-11-045: Opinion Establishing Single-Family Low-Income Incentive Program within the California Solar Initiative ("Petition"). Administrative Law Judge Dorothy Duda authorized the filing of this Reply on August 11, 2008 via phone conversation.

Commission Decision 07-11-045 ("Decision") establishes within the California Solar Initiative ("CSI") a program to provide incentive payments for solar energy systems installed by single-family, low-income, owner-occupied households ("SFLI Program").¹ In its Petition, GRID Alternatives sought an order modifying the Decision to allow assignment of incentive payments in the SFLI Program to third parties, as is currently permitted under the mainstream CSI program.²

¹ D.07-11-045 (Nov. 16, 2007) at 2.

² Petition at 2.

In CSD's response to the Petition, CSD supported GRID Alternatives' request for modification of the Decision to permit the assignment of incentive payments to third parties.³ However, CSD requested that the Commission preclude any party serving as Program Manager from receiving assignment of incentive payments.⁴ GRID Alternatives appreciates the legitimate concern of CSD that permitting the SFLI Program Manager to take assignment of incentive payments while simultaneously being responsible for administering the distribution and use of the SFLI Program's incentive payment funds could present a potential conflict of interest. Yet outright forbidding the assignment of incentive payments to the Program Manager is an unnecessary and excessive means of addressing the potential conflict of interest that would create barriers to entry into the SFLI Program by increasing program costs and decreasing program efficiency (if the Program Manager is indeed going to install solar systems). Instead, the best solution for ensuring proper solar system installations and allocations of incentive payments, while at the same time maintaining program accessibility and efficiency, is for the Commission to require the Program Manager (if it is going to install solar systems) to implement appropriate safeguards to ameliorate any potential conflict of interest. GRID Alternatives, which has been selected to be the SFLI Program Manager and plans to provide a portion of the installation services (and to take assignment of incentive payments for such services if the Petition is granted), has developed one approach that adequately provides such safeguards.

In SCE's response to the Petition, SCE claims that the Petition is premature, does not offer new evidence demonstrating a need for permitting assignment of incentive payments to low-income families, and does not provide necessary safeguards to fully protect such customers.⁵

³ Response of the California Department of Community Services and Development to GRID Alternatives' Petition to Modify (Aug. 7, 2008) at 2.

⁴ *Id.*

⁵ Response of Southern California Edison Company to GRID Alternatives' Petition to Modify (Aug. 7, 2008) at 2.

GRID Alternatives' and other mainstream CSI program administrators' experience with assignments of incentives in the CSI program supports the notion that permitting assignment is advantageous and uncontroversial.⁶ In fact, without a modification to the Decision allowing assignment of incentive payments, the options for low-income families to finance solar systems are limited, creating barriers to program accessibility and penetration. As such, permitting assignment of incentive payments is a necessary precondition to a successful, long-lasting SFLI Program.

II. DISCUSSION OF THE CSD RESPONSE

A. Requiring the Implementation of Appropriate Safeguards Like those Suggested in GRID Alternatives' Program Manager Proposal is the Best Solution for Ensuring Proper Allocations of Incentive Payments and System Installation

i. Forbidding the SFLI Program Manager from Receiving Assignment of Incentive Payments for System Installations Would Decrease Program Efficiency and Flexibility and Increase Program Costs

GRID Alternatives has recognized that successful implementation of the SFLI Program requires utilizing cost-effective and efficient approaches to administration within the program's limited administrative budget. To meet this goal, GRID Alternatives believes that the Program Manager should have the flexibility to play a variety of roles, including as a solar system installer. GRID Alternatives, for example, is able to install solar electric systems at a significantly lower cost per watt than otherwise is available through the private market due to its established non-profit business model where volunteer-based labor is combined with discounted,

⁶ See Declaration of Erica Mackie in Support of this Reply (Aug. 18, 2008) at Paragraph 3. As described below, GRID Alternatives has attached a declaration of Erica Mackie, Executive Director of GRID Alternatives, to this Reply supporting its statements regarding GRID Alternatives' experiences with the mainstream CSI program. The experience of other mainstream CSI administrators Pacific Gas & Electric Company and the California Center for Sustainable Energy is supported in their respective responses to the Petition, as described below.

manufacturer-provided solar electric equipment and cost savings are passed directly on to low-income clients with no mark-up.⁷

Given that the ability to take assignment of incentive payments is a critical component of the homeowner/installer relationship, as discussed in the Petition and as supported in the attached declaration of Erica Mackie, precluding a Program Manager like GRID Alternatives from taking assignment of incentive payments would severely limit GRID Alternatives' ability to continue to operate efficiently on behalf of its constituents.⁸ This, in turn, would lead to increased program costs and reduced program benefits.

Consider the CSI rebate program as an example, which permits homeowners to assign incentive payments to a third party. Because GRID Alternatives can assume CSI rebate payments on behalf of its clients, it has been able to obtain a line of credit with City National Bank to finance the cash-flow liabilities incurred during the three to four months between when a system is installed and when the rebate is paid.⁹ Unlike a for-profit installer that may charge high interest rates to assume clients' CSI rebates, GRID Alternatives is able to cover all interest costs internally, as part of its mission to serve the low-income population.¹⁰ Permitting such assignment of incentive payments in the SFLI Program will allow the Program Manager to develop similar innovative financing arrangements, thus encouraging program participation and flexibility.

Thus, the Program Manager's ability to provide solar equipment and/or installation services in the SFLI Program may be an important component of the overall efficiency and cost-effectiveness of the SFLI Program. Forbidding the Program Manager from receiving assignment

⁷ Declaration of Erica Mackie in Support of this Reply at Paragraph 4.

⁸ Declaration of Erica Mackie in Support of this Reply at Paragraph 5.

⁹ Declaration of Erica Mackie in Support of this Reply at Paragraph 6.

¹⁰ *Id.*

of incentive payments, and thereby eliminating its ability to install solar systems, could decrease program accessibility and flexibility for low-income homeowners, and ultimately hinder the success of the SFLI Program. To avoid this unnecessary result, it is highly desirable that assignment of incentive payments to the Program Manager be permitted under the SFLI Program.

ii. Requiring the Implementation of Appropriate Safeguards to Police Potential Conflict of Interests Ensures Proper Allocations of Incentive Payments While Maintaining Program Efficiency and Accessibility

GRID Alternatives understands that while its proposed approach allowing the Program Manager the flexibility to play different roles in the program offers substantial benefits to low-income consumers in terms of cost and efficiency, there is the potential for a perceived conflict of interest when the Program Manager is also receiving incentive payments obtained by, or due to, the low-income homeowner. GRID Alternatives agrees with CSD that “only those entities that provide for adequate consumer protections should be permitted to own SFLI Program Systems and/or receive SFLI Program incentive payments.”¹¹ GRID Alternatives believes that SFLI Program implementation should be transparent and that there should be systems in place to ensure that program dollars are used appropriately to provide low-income homeowners with well-designed, well-installed, properly-warranted solar electric systems for low-income homeowners living in AB 2723-compliant homes.

As a solution, rather than the overly blunt prohibition recommended by CSD, the Commission should require that, if the Program Manager intends to perform installations and take assignment of incentive payments, the Program Manager must also implement a mechanism

¹¹ Response of the California Department of Community Services and Development to GRID Alternatives’ Petition to Modify at 3.

that ameliorates any potential conflict of interest. One such mechanism could be along the lines of that favored by GRID Alternatives: an independent third-party administered program of monitoring, oversight and controls to address any potential conflict of interest and to ensure full program transparency. Such a third-party monitor could, for example, provide ongoing, randomized spot-checks of proposed incentive payments throughout the program period to verify that SFLI systems are properly implemented according to program guidelines, and would have the authority to suspend payment of assigned incentives to the Program Manager or any other installer if necessary. Of course, other possible means of remedying the potential conflict of interest should also be permitted, as applicable.

In sum, GRID Alternatives recognizes that in an effort to provide the greatest benefits and protections for low-income consumers, a potential for conflict of interest issues may arise, and it is therefore important to approach these issues pro-actively and aggressively by providing programmatic checks and balances to prevent any conflict. For these reasons, GRID Alternatives respectfully requests that the Commission accept GRID Alternatives' proposed modification to the Decision without the categorical restrictions suggested by CSD, and instead work through the contracting process for the Program Manager to incorporate sufficient safeguards for SFLI Program where the Program Manager is also a system installer and potential assignee of incentive payments.

III. DISCUSSION OF THE SCE RESPONSE

A. GRID Alternatives' Extensive Experience with Low-Income Homeowners in the Mainstream CSI Program Provides Ample Factual Evidence for the Need to Allow Assignment of Incentive Payments to Third Parties

SCE argues that GRID Alternatives' petition to allow third-party assignment of solar incentives in the SFLI Program should be suspended until factual evidence can be gathered on

the need for such assignments.¹² In support of this contention, SCE inaccurately states that “the Commission was clear in its decision that third-party assignment of incentives should only be considered after factual SFLI Program data exists.”¹³ In fact, the section of the Decision from which SCE quotes as the basis for this statement discusses primarily third-party ownership of SFLI systems, not third-party assignment of incentives.¹⁴

Regardless, ample factual evidence for the need for assignment of incentive payments already exists and is clearly evidenced by the experience of GRID Alternatives, Pacific Gas and Electric Company (“PG&E”) and the California Center for Sustainable Energy (“CCSE”), two CSI program administrators, in the existing mainstream solar incentive program. Pursuant to Commission Rule 16.4(b), a declaration signed by Erica Mackie, Executive Director of GRID Alternatives, is attached to this Reply to support the experience of GRID Alternatives in the mainstream CSI program. The experience of PG&E and CCSE is supported by their respective responses to the Petition.¹⁵

Residential solar customers throughout California who cannot personally pay for or finance the full pre-rebate cost of their solar electric system have long enjoyed the option of assigning their CSI program incentive payment to their solar installer as a simple, effective means of reducing the amount of up-front debt or capital needed to purchase the system.¹⁶ Given that the SFLI Program exclusively targets those homeowners with the least access to capital and debt, denying this benefit to these households clearly presents a major barrier to program acceptance and participation. PG&E and CCSE, two other CSI administrators, support the

¹² Response of Southern California Edison Company to GRID Alternatives’ Petition to Modify (Aug. 7, 2008) at 2.

¹³ *Id.* at 2, referring to D.07-11-045 at 40.

¹⁴ D.07-11-045 at 40.

¹⁵ Comments of PG&E on the Petition of GRID Alternatives to Modify Decision 07-11-045 (Aug. 7, 2008); Response of the CCSE Regarding the Petition of Grid Alternatives for Modification of Decision 07-11-45 (Aug. 7, 2008).

¹⁶ Declaration of Erica Mackie in Support of this Reply at Paragraph 7.

Petition, providing further evidence that their experience with the existing mainstream CSI program validates the importance of permitting assignment of incentive payments in solar incentive programs.¹⁷

SCE goes on to assert that it “perceives that the right to assign payments may actually bring with it many of the same concerns as third-party ownership” but provides no substantiating evidence to back up this claim.¹⁸ Again, GRID Alternatives’ experience in the mainstream solar incentive program directly belies this assertion. Incentive assignments are less complex and less risky than residential third-party ownership models, which is reflected in the fact that incentive assignments have been commonplace for years in the mainstream CSI program, while single-family residential third-party ownership programs are still in their early stages of development and have not yet achieved widespread market acceptance.¹⁹

B. Modifying the Decision to Permit Assignment of Incentive Payments Prior to the Launch of the SFLI Program is a Necessary Precondition to Guarantee its Success and Longevity

In its response, SCE proposed that the Commission should wait at least a year before granting GRID Alternatives’ request to modify the SFLI Program,²⁰ but this proposal does not make sense in light of the circumstances. Now is the proper time to eliminate the prohibition on third-party assignments, prior to full launch of the SFLI Program. The Commission has set a very aggressive schedule for securing results from the SFLI Program. Meeting this schedule will not be possible if a critical financing tool, third-party assignments, is precluded. In other words,

¹⁷ Comments of PG&E on GRID Alternatives’ Petition at 2 (“PG&E strongly supports permitting CSI SFLI Program participants to assign incentive payments to third parties as proposed by GRID Alternatives.”); Response of the CCSE Regarding GRID Alternatives’ Petition at 3 (“Permitting third-party assignment of SFLI incentive payments, as proposed by Grid Alternatives...makes good sense, both from a program perspective and from that of each individual participant. We therefore support Grid Alternatives’ Petition for Modification.”).

¹⁸ Response of Southern California Edison Company to GRID Alternatives’ Petition to Modify at 5.

¹⁹ Declaration of Erica Mackie in Support of this Reply at Paragraph 8.

²⁰ Response of Southern California Edison Company to GRID Alternatives’ Petition to Modify at 2.

the Commission needs to put the horse before the cart. Delaying this common sense modification for a full year will delay the successful implementation of a program that has already been delayed significantly from its original statutory timeline.

IV. CONCLUSION

For the foregoing reasons, GRID Alternatives respectfully requests that the Commission (i) modify the Decision to allow assignment of incentive payments in the SFLI Program to third parties, as is currently permitted under the mainstream CSI program; (ii) deny CSD's request that the Program Manager be precluded from receiving assignment of incentive payments, and (iii) deny SCE's request to temporarily suspend GRID Alternatives' request to modify the Decision.

Respectfully submitted,



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**DECLARATION OF ERICA MACKIE IN SUPPORT OF THE REPLY OF
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I, Erica Mackie, declare as follows under penalty of perjury:

1. I am the Executive Director and co-founder of GRID Alternatives, a non-profit organization that provides renewable energy and energy efficiency services, equipment and training to communities in need.
2. This declaration is submitted in support of the Reply of GRID Alternatives to the Responses to Petition for Modification of Decision 07-11-45. The following is of my own personal knowledge and if called upon, I could and would testify competently thereto.
3. In GRID Alternatives' experience with the mainstream California Solar Initiative Program, permitting assignment of incentive payments to third parties has proven to be advantageous and uncontroversial.
4. GRID Alternatives is able to install solar electric systems at a significantly lower cost per watt than otherwise available through the private market due to its established non-profit

business model where volunteer-based labor is combined with discounted, manufacturer-provided solar electric equipment and cost savings are passed directly on to low-income clients with no mark-up.

5. Precluding a Program Manager like GRID Alternatives from taking assignment of incentive payments would severely limit GRID Alternatives' ability to continue to operate efficiently on behalf of its constituents.
6. Because GRID Alternatives can assume CSI rebate payments on behalf of its clients, it has been able to obtain a line of credit with City National Bank to finance the cash-flow liabilities incurred during the three to four months between when a system is installed and when the rebate is paid. GRID Alternatives is able to cover all interest costs internally, as part of its mission to serve the low-income population.
7. Residential solar customers throughout California who cannot personally pay for or finance the full pre-rebate cost of their solar electric system have long enjoyed the option of assigning their CSI program incentive payment to their solar installer as a simple, effective means of reducing the amount of up-front debt or capital needed to purchase the system.
8. Incentive assignments are less complex and less risky than residential third-party ownership models, which is reflected in the fact that incentive assignments have been commonplace for years in the mainstream CSI program, while single-family residential third-party ownership programs are still in their early stages of development and have not yet achieved widespread market acceptance.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct and that this declaration was executed on August 18, 2008 at San Francisco, California.

Erica Mackie ^{CLP}
Erica Mackie

SF:213653.2

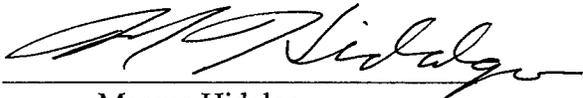
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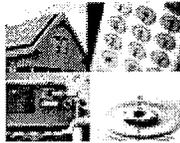
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Executed on August 18, 2008, at San Francisco, California.



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